

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	§	Filed: August 21, 2003
Dettinger et al	§	
	§	Group Art Unit: 2164
Serial No.: 10/645,123	§	
	§	Examiner: Melissa M. Chojnacki
Confirmation No.: 7110	§	

For: ANNOTATION OF QUERY COMPONENTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
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Alexandria, VA 22313-1450

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Dear Sir:

<u>January 28, 2008</u>	<u>/Randol W. Read, Reg. No. 43,876/</u>
Date	Randol W. Read

APPEAL BRIEF

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2164 dated August 27, 2007, finally rejecting claims 1-7, 18-21 and 30. The final rejection of claims 1-7, 18-21 and 30 is appealed. This Appeal Brief is believed to be timely since it is transmitted by the due date of January 28, 2008, as set by the filing of a Notice of Appeal on November 26, 2007.

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Real Party in Interest

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

Related Appeals and Interferences

Applicant asserts that no other appeals or interferences are known to the Applicant, the Applicant's legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1-7, 18-21 and 30 are pending in the application. Claims 1-29 were originally presented in the application. Claim 30 has been added during prosecution. Claims 8-17 and 22-29 have been canceled without prejudice. Claims 1-7, 18-21 and 30 stand finally rejected as discussed below. The final rejections of claims 1-7 and 18-21 and 30 are appealed. The pending claims are shown in the attached Claims Appendix.

Status of Amendments

All claim amendments have been entered by the Examiner, including amendments to the claims proposed after the final rejection.

Summary of Claimed Subject Matter

A. CLAIM 1 – INDEPENDENT

Claim 1 recites a method for annotating a query component. *See Application* paragraphs 0048-0051. A selection of the query component is received. *See Application* paragraph 0046, FIG. 2A. An annotation and a request to associate the annotation with the selected query component is received via an interface allowing a user to create the annotation and request the association with the selected query component. *See Application* paragraphs 0048-0050; Figure 3A, element 304; and Figures 4A-B). Then, the annotation is stored, on a storage medium, with a reference to the selected query component. *See Application* paragraph 0051 and Figure 3A, element 306.

B. CLAIM 18 - INDEPENDENT

Claim 18 recites a computer readable storage medium containing a program which, when executed, performs operations for annotating a query component as described in claim 1.

C. CLAIM 30 – INDEPENDENT

Claim 30 recites a method for annotating a query component. *See Application* paragraphs 0048-0059. A selection of the query component is received. *See Application* paragraph 0046, FIG. 2A. An annotation and a request to associate the annotation with the selected query component is received via an interface allowing a user to create the annotation and request the association with the selected query component. *See Application* paragraphs 0048-0050; Figure 3A, element 304; and Figures 4A-B). Then, the annotation is stored, on a storage medium, with a reference to the selected query component. *See Application* paragraph 0051 and Figure 3A, element 306. One or more query components specified for use in a query being composed in a query building interface is monitored. *See Application* paragraph 0055 and Figure 3B, element 352. Stored annotations associated with the one or more query components are searched for. *See Application* paragraph 0055; Figure 3B, element

354; and Figures 4C-D. An indication of one or more annotations, if found, associated with the one or more query components is displayed. *See Application* paragraph 0057-0058; Figure 3B, elements 356-362; and Figures 4C-D.

Grounds of Rejection to be Reviewed on Appeal

1. Rejection of claims 1-7, 18-21 and 30 under 35 U.S.C. 102(e) as being anticipated by *Gupta et al.* (U.S. Patent No. 6,956,593, hereinafter, "*Gupta*").

ARGUMENTS

1. Rejection of claims 1-7, 18-21 and 30 under 35 U.S.C. 102(e) as being anticipated by *Gupta*.

The Applicable Law

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicants' Response to the Examiner's Argument

In this case, *Gupta* does not disclose "each and every element as set forth in the claim." As a general matter, *Gupta* is directed to annotating multimedia content and querying such annotations on the multimedia content. Thus, *Gupta* is not directed to annotating the queries components, or even complete queries for that matter, as recited in the claims.

Regarding claim 1, for example, the preamble of the claim and the recited limitations specifically limit the claim to a method for annotating a query component (i.e., it is a component of a query that is being annotated). In contrast, *Gupta* is directed to annotating multimedia content and querying such annotations on the multimedia content. Furthermore, the Examiner relies on col. 2, lines 39-47, col. 12, lines 39-59, col. 15, lines 34-45 and col. 16, lines 19-42 of *Gupta* for teaching every elements of the claim, *Final Office Action*, p.3-4. Applicants respectfully disagree. For clarity, the passage upon which the Examiner relies most heavily is set forth here:

Col. 2, lines 39-47:

“According to another aspect of the invention, the user interface includes implicit information for use in creating and/or viewing annotations. For example, in one implementation annotations can belong to one or more different annotations sets. The user interface can be associated with selected ones of these different annotation sets, so that any newly created annotations automatically belong to that set, or annotation queries automatically query that set, without requiring the user to specify the set.”

The above cited passages of *Gupta* talk about a user interface that can be associated with different annotation sets. Through the user interface, a new annotation can be created and query of the annotations can be conducted.

In the Advisory Action, the Examiner states, “*Gupta* discloses a user selecting an annotation set in order to create a new (query) annotation that will automatically belong to that set (column 2, lines 39-47).” However, this interpretation of *Gupta* is incorrect. As stated above, *Gupta* reads, “The user interface can be associated with selected ones of these different annotation sets, so that any newly created annotations automatically belong to that set, or **annotation queries automatically query that set, without requiring the user to specify the set.**” The Examiner states that *Gupta* teaches, a user can create a (query) annotation that belongs to a set. However, *Gupta* actually teaches a user can create an annotation and the annotation can belong to a set. Simply stated, “annotation query” as taught by *Gupta* is what is done to annotations of multimedia content. In contrast, “query annotation” is the annotation of queries. In fact, to prevent misunderstanding, the claims recite annotating components (or elements) of a query. Accordingly, “receiving a selection of a query component,” as recited in the claims, may be interpreted as the user selecting which component(s) of the query are intended to be annotated and the claimed method receiving that input.

The Examiner goes on to say that, “Claim 1 does not disclose what a ‘query component’ consists of.” This is incorrect. The claim clearly recites, “the query component being a component (or an element) of a query.” Traditionally, queries are constructed of elements (or components), such as conditions. Accordingly, “a computer implemented method for annotating a query component, the query component being a

component of a query,” as claimed, refers to the ability to annotate components of a query such as individual conditions. At no point does *Gupta* teach of an ability to annotate components of a query, as claimed.

The Examiner further states, “by a user making the selection of the “query annotation,” which can be read as a “query component,” to associate the annotation with the annotation set then the system of *Gupta* is in fact “receiving a selection of the query component” and “receiving an annotation and a request to associate the annotation with the selected query component.” Though the Examiner states that *Gupta* teaches “query annotation” and that “query annotation” can be read as “query component,” *Gupta* does not teach query annotation, but rather teaches a non-analogous idea of “annotation query.” “Annotation query,” as taught by *Gupta*, is the search (or query) of annotations. In contrast, “query annotation,” is the annotation of queries.

Though the ideas of “annotation query,” as taught by *Gupta*, and “query annotation” can be easily confused, the claims, as recited, more clearly state that the method is for annotating a component of a query. At no point is the term “query annotation” used. *Gupta* is silent with respect to annotating queries or components of queries. Consequently, the Examiner is incorrect in stating that *Gupta* teaches a “query annotation” and that “query annotation” can be read as a ‘query component.’”

Additionally, claims 18 and 30 and their dependents have limitations similar to those in claim 1. Accordingly, Applicants submit claims 1 and 18 and their dependent claims are allowable and withdrawal of this rejection is respectfully requested.

CONCLUSION

The Examiner errs in finding that:

Claims 1-7, 18-21 and 30 are anticipated by *Gupta*.

Withdrawal of the rejections and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Randol W. Read, Reg. No. 43,876/

Randol W. Read
Registration No. 43,876
Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Appellant(s)

CLAIMS APPENDIX

1. (Previously Presented) A computer implemented method for annotating a query component, the query component being a component of a query, comprising:
receiving a selection of the query component;
receiving an annotation and a request to associate the annotation with the selected query component via an interface allowing a user to create the annotation and request the association with the selected query component; and
storing, on a storage medium, the annotation with a reference to the selected query component.
2. (Previously Presented) The method of claim 1, wherein the selected query component comprises one or more query conditions.
3. (Previously Presented) The method of claim 1, wherein the selected query component comprises one or more instance values of data, where instance values are any particular value inputted in a field.
4. (Previously Presented) The method of claim 1, further comprising:
providing an interface for building the query by specifying query components; and
wherein receiving an indication of the selected query component comprises receiving a user selection of one or more query components specified, via the interface, for use in the query.
5. (Previously Presented) The method of claim 1, further comprising providing an interface allowing the user to create a suggested substitution for the selected query component, the suggested substitution being selectable to replace the selected query component.
6. (Original) The method of claim 1, wherein storing the annotation with a reference to the one or more query components comprises:

decomposing the query component into one or more fragments; and
storing the fragments with the annotation.

7. (Original) The method of claim 1, wherein storing the annotation with a reference to the one or more query components comprises:
substituting a parameter marker for an instance value contained in the query component; and
storing the query component with the parameter marker with the annotation.

8–17. (Canceled)

18. (Previously Presented) A computer-readable storage medium containing a program for annotating query components which, when executed by a processor, performs operations comprising:
receiving a selection of a query component, the selected query component being a component of a query;
receiving an annotation and a request to associate the annotation with the selected query component via an interface allowing a user to create the annotation and request the association with the selected query component; and
storing, on a storage device, the annotation with a reference to the selected query component.

19. (Original) The computer-readable medium of claim 18, wherein the operations further comprise providing an interface allowing the user to create a suggested substitution for the selected query component.

20. (Original) The computer-readable medium of claim 18, wherein storing the annotation with a reference to the one or more query components comprises:
substituting a parameter marker for an instance value contained in the query component; and
storing the query component with the parameter marker with the annotation.

21. (Original) The computer-readable medium of claim 18, wherein the operations further comprise:

monitoring one or more query components specified for use in a query;
searching for annotations associated with the one or more query components;

and

providing an indication of one or more annotations, if found, associated with the one or more query components.

22–29. (Canceled)

30. (Previously Presented) A computer implemented method, comprising:

receiving a selection of the query component;

providing an interface allowing a user to create an annotation and request an association between the annotation and the selected query component;

in response to receiving the annotation and the request, storing, on a storage medium, the annotation with a reference to the selected query component;

monitoring one or more query components specified for use in a query being composed in a query building interface;

searching for stored annotations associated with the one or more query components; and

outputting an indication of one or more annotations, if found, associated with the one or more query components.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.